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June 26, 2007

**VIA E-FILING**  
**& HAND DELIVERY**

The Honorable Sue L. Robinson  
US District Court for the  
District of Delaware  
844 North King Street  
Lock Box 31  
Wilmington DE 19801

RE: *Mobius Management Systems, Inc. v. Acartus, Inc. and EMC Corp.*  
C.A. No. 05-346 SLR


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Dear Judge Robinson:

I write on behalf of both sides of this dispute to request that the dates set forth in the current scheduling order in this action (D.I. 55, 97), including the July 23 pretrial conference and the August 6 trial commencement date, be suspended indefinitely, and that the Court refrain from issuing any decision on defendants' pending motion for summary judgment. (D.I. 99). We further request that the Court refer this matter to mediation before Magistrate Judge Thyng or such other mediator as the Court deems appropriate. During the course of this action, defendant Acartus was acquired by EMC (which was subsequently added as a defendant), and plaintiff Mobius was itself recently acquired by a third party. New management for both Mobius and Acartus are interested in attempting to resolve this dispute through mediation. The parties request a suspension of the schedule in order to facilitate this process, and to avoid the expense of preparing for trial now, which could materially advance prospects for settlement.

Counsel are available should Your Honor have any questions.

Respectfully,



Kurt M. Heyman (# 3054)

KMH/daa

cc: Clerk, U.S. District Court (via hand delivery)  
Mary B. Graham, Esquire (via e-filing)  
Paul D. Popeo, Esquire (via e-mail)  
Jonathan M. Wagner, Esquire (via e-mail)

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